

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

**JTH TAX, INC. d/b/a
LIBERTY TAX SERVICE,**

PLAINTIFF,

VS.

CIVIL ACTION NO. 2:09CV134-P-S

**NAYYER MAHMOOD,
SEHR MAHMOOD, and
FIRST FINANCIAL, INC.,**

DEFENDANTS.

ORDER

This matter comes before the court upon the defendants' October 12, 2009 Motion to Strike Plaintiff's Motion to Transfer Venue, or, Alternatively, to Stay [92]. After due consideration of the motion and the responses filed thereto, the court finds as follows, to-wit:

Because the court granted the motion to remand pending in the companion case, *First Financial, Inc. v. JTH Tax, Inc., et al.*, Civil Action No. 2:09cv21, on February 22, 2010, the instant motion is moot. Accordingly, it should be denied.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) The defendants' October 12, 2009 Motion to Strike Plaintiff's Motion to Transfer Venue, or, Alternatively, to Stay [92] is **DENIED**;

(2) The defendants are instructed to respond to the plaintiff's motion to transfer venue by Monday, March 8, 2010. The plaintiff shall file its reply by March 12, 2010; and

(3) The defendants are further instructed to pay particular attention in their response to the forum selection clause in the subject contract.

SO ORDERED this the 1st day of March, A.D., 2010.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE